



The City of West University Place

A Neighborhood City

ZPC Meeting Agenda

Notice is hereby given of a **regular meeting of the Zoning and Planning Commission**, members of the Building and Standards Commission and City Council of West University Place to be held on **Thursday, December 13, 2018 at 6:15 pm** in the **Municipal Building**, 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items:

Note: The Commission reserves the right to convene in a closed session for any agenda item if the need arises pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code

Call to Order

1. **Notices, Rules, Etc.** Matters relating to notices, introductions, rules, meeting procedures and updates.
2. **Public Comments.**
This is an opportunity for citizens to speak relating to agenda and items. The speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing. Public comments must be kept relevant to the subject before the Board. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Board during the meeting. Speakers must limit their presentations to three minutes each.
3. **Townhome Regulations.** Matters related to general townhome regulations in all zoning districts.
4. **Pervious Area.** Matters related to pervious area; concrete in the front yard; pervious driveway allowances, etc.
5. **Property Maintenance Regulations.** Matters related to high grass and weeds, landscaping regulations, intrusive plant species, etc.
6. **Noise Regulations.** Matters related to the general noise regulations regarding equipment, loudspeakers, construction activities, quiet hours, etc.
7. **Outdoor Lighting.** Matters related to outdoor lighting provisions on a building site.
8. **Minutes.** Matters regarding approval of minutes from October 11, 2018.

ADJOURN

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact the person that signs this below at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Municipal Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided in the Meeting Chambers.

I certify that the attached notice and agenda of items to be considered by the West University Place Zoning Planning Commission on December 13, 2018 was posted on the Municipal Building bulletin board on or before December 10, 2018 at 6:00 o'clock pm.

D Scarcella

Debbie Scarcella, City Planner, dscarcella@westutx.gov, 713-662-5893



Agenda Item #3

AGENDA MEMO

AGENDA OF:	December 13, 2018	AGENDA ITEM:	3
PREPARED BY:	Debbie Scarcella, City Planner		
SUBJECT:	Matters related to townhome districts		
ATTACHMENTS:	1. Copy of regulations regarding townhomes 2. Map of single family district abutting townhomes		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

SUMMARY

This item was last discussed at the September meeting. I have included information that staff was asked to provide for discussion based on the list below:

1. SF Buffer yard provision in table 7-2. (20 feet in PDD-TH1)
2. SF privacy protection in note 8 to Table 7-4(b) [applicable to both side and rear yards?]
3. Transition protection (8 foot fence requirement in article 8)
4. 100% framed area allowance for single family detached townhomes (a/k/a houses)
5. 3 story construction in townhome districts

There was talk about how to protect the single family districts from the adjacent townhome districts and there are a few already in place to do that.

Table 7-2: Yards (or 'setbacks')		General Rule: No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.							
Item	Measurement	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C	TCC
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. See Note 5.			10 ft. See Note 7 .	20 ft. See Note 7		30 ft. See Note 5	10 ft. See Note 9
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. See Note 2 .			5 ft. See Notes 4.1 and 4.2. See Note 7 .		5 ft. See Notes 4.1 and 4.2 .		
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. See Notes 2, 3, 6.	Greater of 10% of building site width or 5 feet. See Notes 2, 6.		10 ft. See Note 7.		15 ft.	See Note 9	
Rear yard	Distance from rear property line.	20 ft. See Note 1 .			20 ft. See Note 7.	5 ft. See Note 7.		5 ft. See Note 1	25 ft. See Note 9
SF Bufferyard	Distance from nearest part of an SF District.	N/A	N/A	N/A	20 ft. See Note 7.		10 ft.	N/A	

Table 7-2, cont.		<p><i>General Rule:</i> No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) <i>Exceptions/Special Rules:</i> (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.</p>							
Item	Measurement	PDD-SF1	PDD-SF2	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-CI
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. <i>See Note 5 .</i>		10 ft. <i>See Note 7.</i>				20 ft. (Mercer Street)	5 ft. (Bellaire Blvd.)
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. <i>See Note 2.</i>		5 ft. <i>See Notes 4.1 and 4.2. See Note 7.</i>				20 ft. (south property line)	N/A
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. <i>See Notes 2, 6 .</i>		10 ft. <i>See Note 7 .</i>				10 ft. (Bissonnet)	<i>See Note 8.</i>
Rear yard	Distance from rear property line.	20 ft. <i>See Note 1.</i>		20 ft. <i>See Note</i>	10 ft. <i>See Note</i>	20 ft. <i>See Note 1.</i>		5 ft. (west property line)	<i>See Note 8.</i>

			1.	1.			
SF Bufferyard	Distance from nearest part of an SF District	N/A	20 ft. See Note 7.	10 ft. See Note 7.	20 ft. See Note 7.	N/A	See Note 8.

Note 7. Yards In QMDS. In a QMDS, yards are only required around the perimeter of the subdivision and are designated by the subdivision plat. See definition of QMDS. Standard projections into QMDS yards are allowed per the Projections Schedule. In addition:

- (a) Front yard (GR-1 or GR-2 Only): A principal building with an internal access garage may project as close as 10 feet to the street area if, in the projecting part: (a) there is a first-floor porch or with at least 80 sq. ft. of floor space (open or screened) and no dimension smaller than seven feet; (b) above the porch or court, no more than half the usable floor space is enclosed (coverings and other floor space, including open or screened porches, are allowed above all the porch or court); (c) the cornice height does not exceed 27 feet; (d) there are no more than 2.5 stories; and (e) there is no garage space.
- (b) Front yard: Bay windows, canopies and balconies at least 18 inches above grade may project up to 24 inches beyond the principal building. Steps and handrails may project up to 30 inches beyond the principal building.
- (c) Rear Yard and SF Bufferyard. Buildings up to 10 feet high (measured from finished grade to top of roof plate) may project, but not closer than 10 feet to the property line.

Note 8. Yards in PDD-C1. In PDD-C1, the yards and street lines are as follows, notwithstanding other provisions of this ordinance: (i) The rear yard is the area within 20 feet of the rear property line (the line farthest from Bellaire Blvd.) of any building site, and for this purpose, the said rear property line shall be not in excess of 120 feet from the north right-of-way line of Bellaire Blvd. Exception: The rear yard upon Lot 2, Block 35, Colonial Terrace Addition (also known as the south 140 feet of Tract 9, Cambridge Place) is the area within 40 feet of the rear property line of said lot, said rear property line being located 140 north of the north right-of-way line of Bellaire Blvd. (ii) The street side yard is the area within ten feet of any side street line where the street area is 50 feet or less in width, or within five feet of any side street line where the street area is more than 50, but less than 70, feet wide. (iii) The front yard is the area within five feet of the front street line (which is the common boundary with Bellaire Boulevard). Any area outside of a building line established by ordinance or by recorded plat is considered part of the corresponding yard.

Table 7-4b: Buildings		General Rule: Every structure must conform to the applicable regulations shown, by District, in this table. ("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See special rules noted in table. (2) See Article 9 regarding Planned Development Districts.							
Item	Regulation	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C	TCC
Dwelling units	Maximum number per building site	One, plus one accessory quarters (AQ)			17.5 per acre. See Note 9	Two	24 per acre.	See Uses table and Art. 9	N/A
Framed area, all buildings on a building site	Maximum area as a percentage of building site area	80%			100% See Note 4.			N/A	
Length or width, any building	Maximum horizontal dimension	N/A			130 feet. See Note 3.			N/A	
Exterior materials, any building.	Type	N/A			Must be of equal grade and quality, all sides. See Section 8-104.				
Separation of DUs	Fire-rated wall	N/A			A four-hour fire wall, or its equivalent, must separate adjoining dwelling units. See Notes 3 and 5.				N/A
SF privacy protection	See Note 8.	N/A			Applies.			N/A	
Accessory buildings See Article 10 regarding garage space.	Maximum number per building site	Three			N/A				
	Height,	25 ft.					35 ft. See	35 ft. See Notes 12	

	maximum				<i>Note 2.</i>	<i>and 13.</i>
Principal buildings <i>See Article 10 regarding garage space.</i>	Stories, maximum	Two and one-half.	Three.	<i>See Note 6.</i>	N/A	Two
	Height, maximum	35 feet; 25 feet in rear yard. <i>See Note 1.</i>			35 ft. <i>See Note 2.</i>	35 ft. <i>See Notes 12 and 13.</i>
	Minimum gross floor area	1,400 square feet, if used for residential purposes	1,200 sq. ft., each DU.	750 sq. ft, each DU	1,400 sq. ft.	
	Width, minimum	N/A	16 ft., each DU.	<i>N/A But see QMDS Schedule.</i>	N/A	
Height and screening of rooftop mechanical equipment	<i>See Note 11</i>	N/A			Applies	

Note 1. Antennas and Chimneys. Roof-mounted radio or television antennas on a principal building in a residential district may project up to four feet above the roof. The maximum height of chimneys attached to a principal building is the greater of 35 feet or four feet above the roof.

Note 2. Height In C District. In the C District, no part of any structure (except a fence) may be higher than the horizontal distance from that part to the nearest part of an SF District.

Note 3. Building Detail, TH, PDD-TH and GR Districts. To separate buildings, there must be open area at least five feet wide maintained so that firefighters with hoses could pass through.

Note 4. Framed Area In QMDS. Allowed square footage for a given building site is calculated by multiplying the allowable percentage by (a) the building site's area plus (b) an allocated part of any common use areas in the same QMDS (e.g., access easements, private streets, alleys, reserves, etc. that are not part of a building site). The allocated part is proportional to the building site's area divided by the area of all building sites in the same QMDS.

Note 5. Building Code. Separation requirements are in addition to other requirements of building codes and other ordinances. See Code of Ordinances.

Principal buildings	Stories, maximum	2 and one-half	3		N/A
	Height, maximum, in feet	35, 25 in rear yard. See Note 1	35. See Notes 1 and 7.		35
	Minimum gross floor area, square feet	1,400 each DU	1,200 each DU	1,600 each DU	1,300
	Width, feet (min,), outside to outside	N/A	16, each DU		N/A
Height and screening of rooftop mechanical equipment	See Note 11.	N/A			Applies

Note 6. Height in GR-1, GR-2. Principal buildings in GR-1 or GR-2 Districts may be three stories high, but subject to the lower height limits prescribed for projecting spaces. See Table 7-2, Note 7.

Note 7. Certain Projecting Buildings . Special height rules apply to buildings projecting into yards. See Tables 7-2 and 7-6.

Note 8. SF privacy protection . On a building site where this applies, there may not be a direct sight line from any "third-floor viewpoint" to any point in an "SF privacy zone." A "third-floor viewpoint" is any viewpoint on a "third-floor area" at eye level (six feet) or lower. A "third-floor area" is any floored area (indoors or outdoors) where the floor is 18 feet or higher. The "SF privacy zone" includes every point: (i) within 100 feet of the third floor viewpoint in question, (ii) on a building site in an SF District, and (iii) below 20 feet in height. See Figure SFP.

Section 8-103. - Transition features.

- (a) *When Required* . Each building site must have the transition features required by this section if it lies directly across the street from, or within 20 feet of, another building site restricted by this ordinance to a use less intensive than the actual use of the first building site. Intensities of uses are ranked in the following order, beginning with the least intensive use:
- (1) Single-family (detached) use;
 - (2) Single-family (attached) use;
 - (3) Other residential use;
 - (4) Any other use.
- (b) *Fence or Wall* . If the building site lies within 20 feet of the less-intensive use, there must be an opaque fence or wall eight feet in height separating the more-intensive activities on the building site from the less-intensive use. The side of the fence or wall facing the less-intensive use must be finished.
- Exception: In PDD-C1, the fence or wall must be at least six, but not more than seven, feet high.
- (c) *Across-Street Requirement* . If the building site lies directly across the street from the less intensive use, there must be the greatest practicable amount of pervious area within the ten feet of the building site closest to the less-intensive use.

Buffalo Speedway

Rutgers Ave

Westchester Ave

Sewanee Ave

Mercer St

Carnegie St

Cason St

Corondo Ct

St. Vincent De
Paul School



W Holcombe Blvd



W Holcombe Blvd



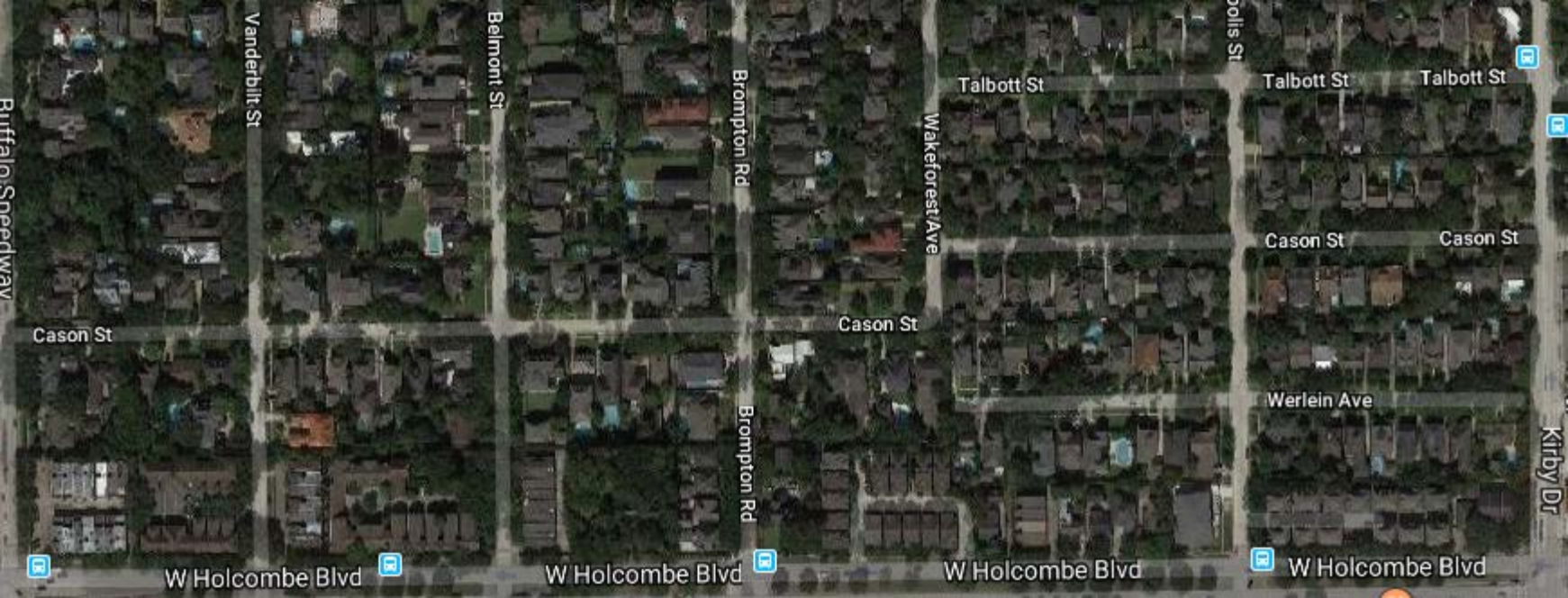
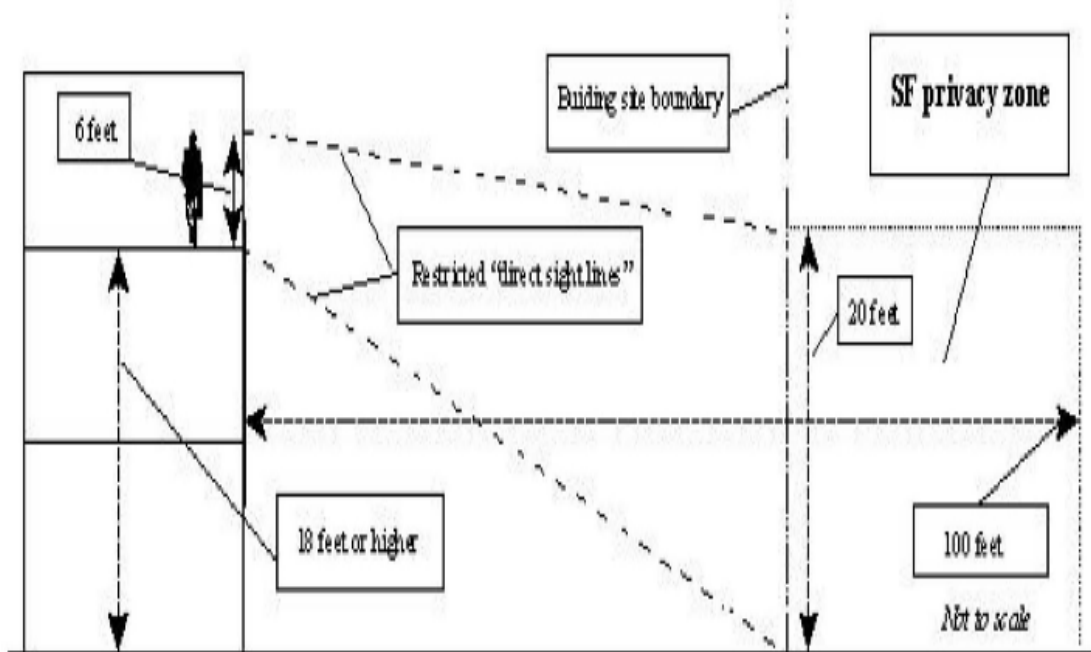


FIGURE SFP

See Table 4-B regarding "SF Privacy Protection"



5255D9

Harris County Appraisal District



PUBLICATION DATE:
12/22/2017

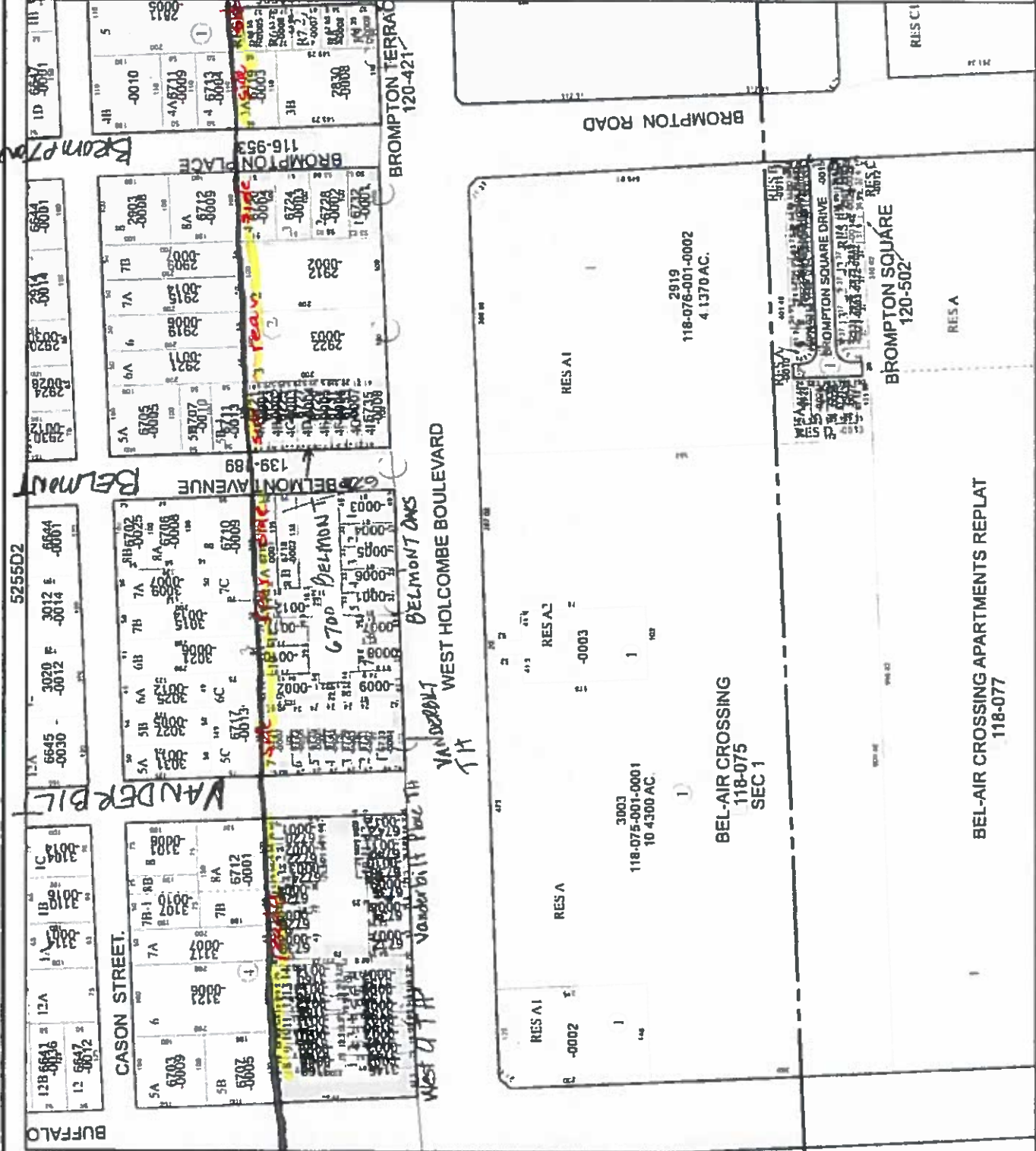
Geospatial or map data maintained by the Harris County Appraisal District is for informational purposes only and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



FACET 5255D

1	2	3	4
5	6	7	8
9	10	11	12



Harris County Appraisal District



0 100 200
PUBLICATION DATE:
12/22/2017

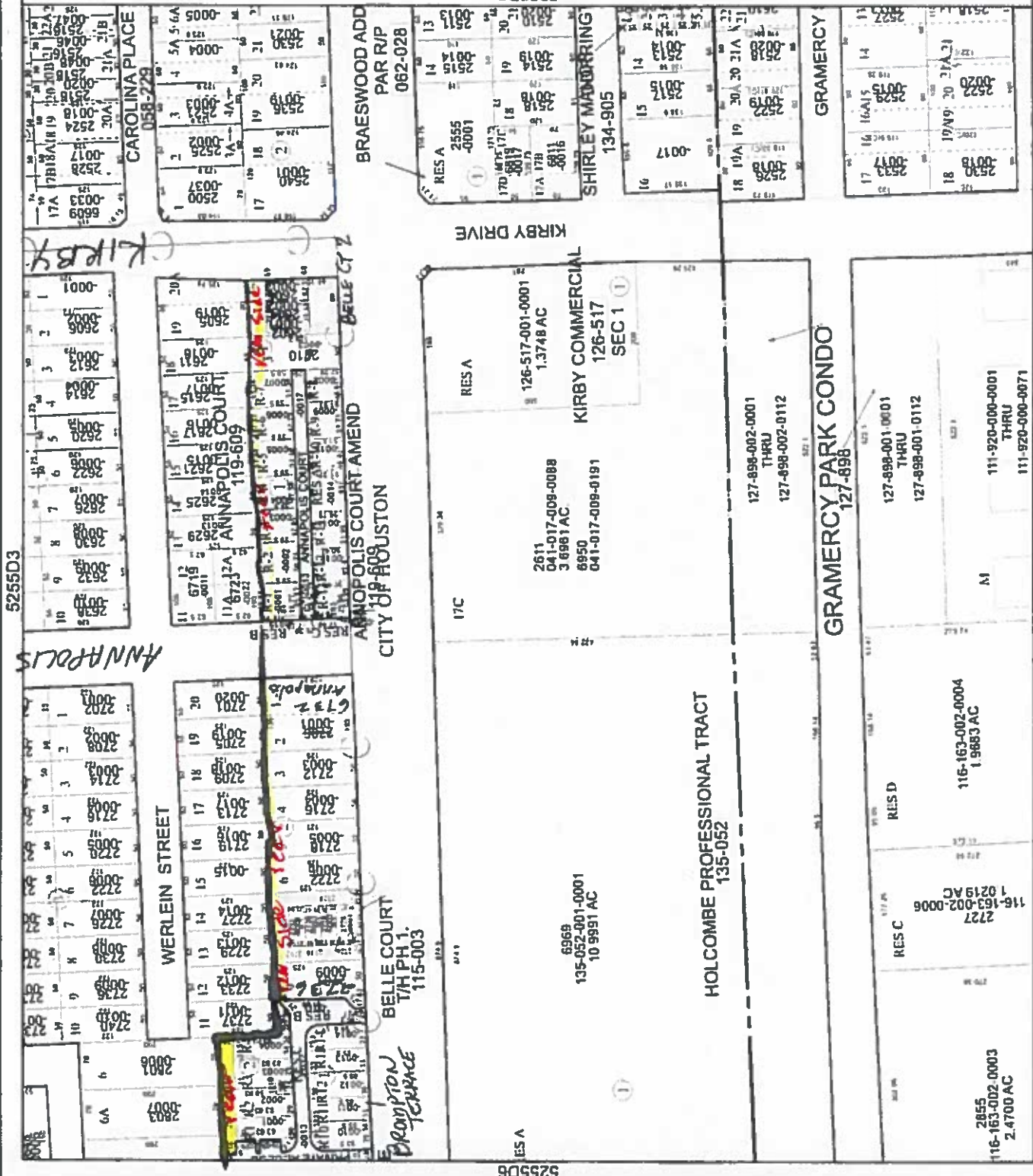
Geopassal or map data maintained by the Harris County Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate location of property boundaries.

MAP LOCATION



FACET 5255D

1	2	3	4
5	6	7	8
9	10	11	12



5255D6

Agenda Item #4

AGENDA MEMO

AGENDA OF:	December 13, 2018	AGENDA ITEM:	4
PREPARED BY:	Debbie Scarcella, City Planner		
SUBJECT:	Matter related to pervious area requirements and pervious materials for driveways in the front yard areas.		
ATTACHMENTS:	<ol style="list-style-type: none">1. Pervious Are Section of the Zoning Regulations2. Letter from resident requesting a review of the ordinance.3. Drawing illustrating the front yard and pervious areas.		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

SUMMARY

We received a request through Administration to review the section of the ordinance regarding pervious area and limiting concrete driveways in the front yard setback. Currently, the ordinance requires a minimum of 50% of the front yard to be pervious and 24% of the entire site to be pervious. I have attached a diagram that illustrates the areas.

The request was for the ZPC to look at requiring those lots at the maximum pervious area to utilize pervious pavement or pervious materials in order to minimize the concrete area in the front yard.

-----Original Message-----

From: Len Slusser [<mailto:lenslusser@mac.com>]

Sent: Thursday, July 19, 2018 1:07 PM

To: M. Christopher Peifer

Subject: Permeable ground

I enjoyed meeting with you recently. You had asked me to email you with my concern about our new builds not leaving enough permeable ground.

I hope we as a city can alleviate all of the concrete in West U.

Thank you for your time.

Len Slusser

Sent from my iPad

	pavement	areas, and part of it may count as pervious area. <i>See Note 4.</i>	
	Parking areas, interior	Each parking area containing 21 or more parking spaces must contain interior pervious areas in "island" or "peninsula" configurations aggregating in area at least two square feet for each parking space.	N/A

Note 1. Rear Yard Adjacent to Non-SF. The ZBA may issue a special exception to reduce the requirement for open area in a rear yard in a SF District to not less than 40%, if the rear yard abuts a non-SF District.

Note 2. Pervious Area in QMDS. Front yard minimum pervious area requirement in a QMDS is 40%., or 30% for a front yard in a QMDS "low-impact motor court."

Note 3. Landscaping Strips. Vegetated pervious areas required as follows: (a) minimum five feet wide adjacent to each street area (or 3.5 ft. if located in front of a fence or wall at least 3.5 feet high), and (b) minimum 18 inches wide to separate each paved vehicular area from a fence or subdivision or replat boundary. Exception: Strips are not required along alleys or where they must be crossed by sidewalks or driveways. Strips along street areas must have live, evergreen shrubs (maximum spacing is 3.5 ft.) and live qualified trees under Chapter 82 of the Code of Ordinances (maximum spacing is 20 ft.). The administrative official may approve different spacing for shrubs or trees, upon a showing that (i) the spacing is allowed by standard urban forestry criteria for the particular species and location and (ii) the spacing will comply with Chapter 82. The ZBA may issue a special exception to allow a landscaping strip to be located in whole or in part within a street area, if the ZBA finds that the particular landscaping will, in all probability, be allowed to remain intact for at least 50 years and that it can be maintained and will function as well as a strip located completely on private property.

Table 7-3, cont.		General Rule: Every building site must have the minimum open and pervious areas shown, by District, in this table. ("N/A" means the rule does not apply.) Exceptions/Special Rules: (1) See PDD Schedules for planned development districts. (2) See special rules noted in table. (3) See the Projections Schedule for details about calculating open and pervious areas.							
Item	Measurement	PDD-SF1	PDD-SF2	PDD-TH1	PDD-TH2	PDD-TH4	PDD-TH5	PDD-TH7	PDD-C1
Open area	Front yard, minimum percentage.	60%.		N/A					N/A
	Rear yard, minimum percentage. <i>See</i>	60%. <i>See Note 1.</i>		N/A					N/A

	<i>Note 6.</i>			
	Entire building site, minimum percentage.	40%	25%	N/A
Pervious area	Front yard, minimum percentage	50%	50% <i>See Note 2.</i>	N/A
	Entire building site, minimum percentage	24%	15%	N/A
	Landscaping strips	Required, except for SFD uses on building sites with 5,000 sq. ft. or more. <i>See Notes 3 and 5.</i>		
	Qualified trees	For SFD uses on building sites with 5,000 sq. ft. or more, there must be at least one qualified tree in the front yard or in the adjacent street area. For all other uses, each qualified tree required by this ordinance or Chapter 82 of the Code of Ordinance must be located within a contiguous and reasonably compact pervious area containing at least 25 sq. ft. However, additional or better pervious area may be required to comply with Chapter 82.		
	Pervious pavement	In a QMDS only, pervious pavement is allowed to be used for all vehicular areas, and part of it may count as pervious area. <i>See Note 4.</i>		
	Parking areas, interior	Each parking area containing 21 or more parking spaces must contain interior pervious areas in "island" or "peninsula" configurations aggregating in area at least two square feet for each parking space.		

Note 4. Pervious Pavement . In a QMDS, the area of the holes or gaps (if actually pervious) counts toward pervious area requirements (but no more than 30% out of any area with pervious pavement may count).

Note 5. Visual Buffer Zone. In TCC, along the east edge of each property a landscaped buffer zone shall be established consisting of trees, shrubs, and other durable vegetation adequate to minimize the transmittal of light and provide a visual buffer between a use in TCC and adjacent SF district properties. Evergreen shrubs shall be planted to form a continuous hedge with no gaps. Shrubs shall be hardy species that will withstand freezing temperatures. The plants shall

be at least 18 inches in height as measured from the surrounding soil line and shall have a maximum 18 inch width at the widest portion when planted. Shrubs shall be capable of growth to not less than 48 inches in height when measured from the surrounding soil line and shall form a continuous hedge within three annual growing seasons. Shrubs shall be maintained at a height that does not interfere with overhead utility lines. Trees planted in the buffer zone shall not interfere with overhead utility lines.

Note 6. Old Stock Housing. The ZBA may issue a special exception to reduce the open area requirement in the rear yard, if the ZBA determines: (i) the reduction is reasonably necessary to preserve or protect old stock housing as it then exists or as it may be proposed to be remodeled or expanded (up to a total gross floor area, for all buildings on the site, that does not exceed the greater of 3,400 square feet or 200% of the gross floor area of all the buildings on the site when the principal building was built, before 1980); and (ii) there will be no substantial adverse impact upon nearby properties.

JOB NO. M268-17
ENCLOS. STUDY. N/A
CALC BY. M. COI
DRAWN BY. CABELLA
CHECKED BY. G. SULLIVAN
BEARING BASE. REFERRED TO PLAT NORTH
FIELD CREW(A). B. CARLIN
FIELD CREW(B). B. STEPHENSON
FIELD DATE. 08-11-17
GOGO VER. ADDRESS CND 2016

Survey of Lot 1, Block 6, of College View Third Addition
 According to the map on plat thereof recorded in Volume 572, Page 33 of the deed records of Harris County, Texas

D.T. MAIER & ASSOCIATES
 HOME OFFICE: 603 PERRY STREET
 HOUSTON, TEXAS 77005
 PHONE: (713) 558-4420
 FAX: (713) 558-4073
 E-MAIL: dtp@dtmaier.com

Surveyor: DTM
 Date: 04/22/18
 Book: 1 - 30
 Page: 10-215



THIS DELINEATION REFLECTS TO THE BEST OF MY KNOWLEDGE THE POSITION OF THE LINES, CORNER MONUMENTS AND VISIBLE EVIDENCE BY ANY ON THE GROUND SURVEY UNDER MY SUPERVISION

PROFESSIONAL LAND SURVEYOR
 NO. 4342

GENERAL NOTES

A. THIS PROPERTY APPEARS TO BE OUTSIDE THE 100 YEAR FLOOD PLAIN AS ESTABLISHED BY THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT COMMUNITY FLOOD NO. 48201C DEED L. MAP REVISION: 6-18-2007 ZONE X FEELS WILL APPLY. OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

B. EASEMENTS SHOWN ARE RESTRICTED TO RECORD PLAT.

C. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. HOWEVER, UPON RECEIVING REVISION INSTRUCTIONS FOR A TRANSFER OF TITLE SURVEY WITH A TITLE ASSURANCE COMMITMENT ISSUED, ADDITIONAL FEELS WILL APPLY.

D. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. HOWEVER, UPON RECEIVING REVISION INSTRUCTIONS FOR A TRANSFER OF TITLE SURVEY WITH A TITLE ASSURANCE COMMITMENT ISSUED, ADDITIONAL FEELS WILL APPLY.

E. EASEMENTS SHOWN ARE RESTRICTED TO RECORD PLAT.

F. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. HOWEVER, UPON RECEIVING REVISION INSTRUCTIONS FOR A TRANSFER OF TITLE SURVEY WITH A TITLE ASSURANCE COMMITMENT ISSUED, ADDITIONAL FEELS WILL APPLY.

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NO SPECIFIC INTENT WAS DECLARED BY CLIENT TO R.P.L.S. IN CONNECTION ON FUTURE USE OF THIS DELINEATION SUCH AS DESIGN PLANNING OR FUTURE BUILDING CONSTRUCTION. UNLESS IT WAS PART OF THE PARAMETERS AND/OR INTENT OF PROFESSIONAL SERVICES OBTAINED AND/OR CONTRACTUALLY AGREED.

ANY DISPUTES OVER BOUNDARY & IMPROVEMENT LINES AND NOTATIONS HEREON.

THIS MAP IS APPROVED THAT IT HAS BEEN REVIEWED, STUDIED AND THEY UNDERSTAND THE LINES AND NOTATIONS HEREON.

THE OWNER/DRAWER, ARCHITECTS, DESIGNERS, ENGINEERS OR PURCHASER.

SPECIAL NOTE TO OWNER/DRAWER, DESIGNERS, ENGINEERS OR PURCHASER.

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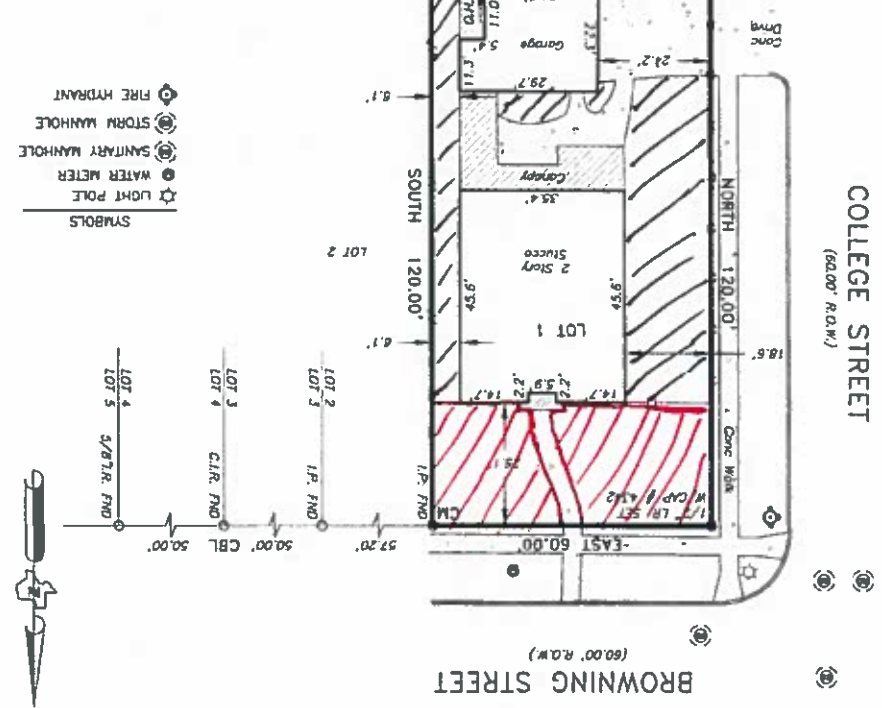
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LEGEND

○ LIGHT POLE
 ● WATER METER
 ● SANITARY MANHOLE
 ● STORM MANHOLE
 ● FIRE HYDRANT

— CBL - CONTROLLING BEARING
 — L.P. - L.P. BEARING
 — L.R. - L.R. BEARING
 — L.P. - L.P. BEARING
 — L.R. - L.R. BEARING
 — L.P. - L.P. BEARING
 — L.R. - L.R. BEARING



Agenda Item #5

AGENDA MEMO

AGENDA OF:	December 13, 2018	AGENDA ITEM:	5 and 6
PREPARED BY:	Debbie Scarcella, City Planner		
SUBJECT:	Matters related to property maintenance and noise regulations.		
ATTACHMENTS:	1. Copy of regulations regarding property maintenance. 2. Copy of regulations regarding noise regulations.		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

SUMMARY

Staff has identified some areas of the code of ordinances where updates and/or clarifications should take place. We have contracted with Kendig Keast Collaborative to assist us in crafting ordinance language that reflects industry standards and is comparable to other cities in the area. We are starting with property maintenance and noise regulations.

The property maintenance regulations need to reflect the current state law as well as add some language that controls or prohibits the planting of invasive species. We currently prohibit poison ivy. Also, included will be a review of the high weeds and grass section as it relates to those plantings considered “natural”. Stagnant water and oil and grease disposal will be reviewed as well.

We will also be reviewing the noise regulations, except for the section regarding lawnmowers and leaf blowers. The BSC will be reviewing that provision. I wanted you to see what we will be reviewing and why. KKC will provide a base wording change for us to work from in a few weeks.

ARTICLE III. - CONDITION OF PRIVATE PROPERTY^[2]

Footnotes:

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State Law reference— Regulation of nuisances by home-rule municipality, V.T.C.A., Local Government Code § 217.042; municipal power concerning weeds and other unsanitary matter, V.T.C.A., Health and Safety Code § 342.004; assessment of expenses and lien for abatement by municipality, V.T.C.A., Health and Safety Code § 342.007; persons not to permit abandoned property to become public health nuisance, V.T.C.A., Health and Safety Code § 341.013(e).

Sec. 42-46. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means V.T.C.A., Health and Safety Code ch. 342, as amended.

Rubbish means trash, garbage and debris of all kinds. Without limiting the generality of this definition, the following are specifically included in this definition:

- (1) Discarded parts of motor vehicles;
- (2) Discarded trailers or other discarded vehicles, except abandoned motor vehicles regulated by chapter 46 of this Code;
- (3) Discarded furniture, discarded appliances, discarded fixtures, discarded carpets or rugs;
- (4) Discarded bedding, or other discarded furnishings;
- (5) Other discarded personal property; and
- (6) Rubble or debris from any construction, remodeling, demolition or moving activity, except while a permit authorizing such work is in effect and for a period of ten days thereafter.

Weeds includes:

- (1) Grasses and other ground growing plants which have grown to a height of ten inches or more above the ground; and
- (2) Poison ivy, poison oak and poison sumac plants, regardless of height.

(Code 2003, § 12.201)

Sec. 42-47. - Presumption regarding "discarded" property.

For purposes of this article, an item of personal property is presumed to be discarded in either of the following two circumstances:

- (1) The item is allowed to remain in one place outside and exposed to the elements, with no apparent use being made of it, for ten consecutive days or more.
- (2) The item is spoiled, corroded, rotted, broken or inoperable and allowed to remain in one place outside for ten consecutive days or more.

(Code 2003, § 12.202)

Sec. 42-48. - Prohibited conditions.

- (a) *Stagnant water, filth, rubbish, etc* . It shall be unlawful for any person owning, claiming, occupying, supervising or controlling any real property within the city to cause or permit any of the following upon such property for any period of four consecutive days or longer:
 - (1) Stagnant water, holes or other areas which can retain water and allow it to become stagnant, or any other condition liable to produce disease;
 - (2) Filth, carrion or other impure or unwholesome matter of any kind; or
 - (3) Rubbish, brush or any other objectionable, unsightly or unsanitary matter of whatsoever nature.
- (b) *Weeds* . It shall be unlawful for any person owning, claiming, occupying, supervising or controlling any real property within the city to cause or allow any weeds to exist or remain upon such property.
- (c) *Outdoor accumulation or storage* . It shall be unlawful for any person owning, claiming, occupying, supervising or controlling any real property within the city to cause or permit any of the following upon such property for any period of 24 hours or longer:
 - (1) The accumulation or storage of any goods or inventory used in connection with any commercial activity, except within a building or within an area surrounded by an opaque fence or wall at least six feet in height.
 - (2) The accumulation or storage of any building materials, except:
 - a. Temporarily and in connection with building activity for which a city permit is in effect; or
 - b. Within a building; or
 - c. Within an area surrounded by an opaque fence or wall at least six feet in height.
- (d) *Declared nuisances* . The conditions prohibited by this section are hereby found and declared to be public nuisances.

(Code 2003, § 12.203)

State Law reference— Municipal authority concerning stagnant water, V.T.C.A., Health and Safety Code § 342.001; municipal power concerning filth and other unwholesome matter, V.T.C.A., Health and Safety Code § 342.003.

Sec. 42-49. - Municipal abatement.

Whenever there are conditions in violation of this article, the mayor, health authority or municipal official designated by the mayor is authorized to abate those conditions by doing work or making improvements upon the property, in accordance with the procedures prescribed by the Act, provided that:

- (1) The city manager has approved the work and improvements necessary for abatement; and
- (2) There are sufficient funds budgeted for such purpose.

(Code 2003, § 12.204)

Sec. 42-50. - Procedure

Expenses incurred by the city for abatement of nuisances under this article are hereby assessed against the real estate on which the work is done or improvements are made. The mayor, health authority or municipal official designated by the mayor is authorized to take all steps necessary to obtain and attach a lien on such real estate, in accordance with the procedures prescribed by the Act.

(Code 2003, § 12.205)

Sec. 42-51. - Remedies not exclusive.

The remedies prescribed by this article are separate, and the city may avail itself of one or more without precluding any of the others. Under no circumstances will a prosecution for a violation affect the right of the city to pursue abatement or liens, or both.

(Code 2003, § 12.206)

Secs. 42-52—42-75. - Reserved.

ARTICLE II. - NOISE

Sec. 54-39. - Unreasonable noise prohibited.

Causing unreasonable loud and disturbing noise in the city is hereby prohibited and shall constitute an offense. Noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary reasonable person are hereby prohibited. This article applies to noise heard within the city, regardless of the point of origin.

(Code 2003, § 15.031)

Sec. 54-40. - Enumeration of specific noises.

The following noises, among others, are declared to be loud, disturbing noises in violation of this article (this enumeration is neither exhaustive nor exclusive of other noises):

- (1) The noise of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control; the same noise made while in motion, except as a danger signal after, or as, brakes are being applied and deceleration of the vehicle is intended; any unreasonably loud or harsh sound created by means of any such signal device; and the sound of such device made for any unreasonable period of time.
- (2) The sound of:
 - a. Any vehicular or portable radio, phonograph, disc player, tape player or any musical instrument that is plainly audible outdoors from a distance of 100 feet or more (or 50 feet or more during residential quiet hours); or
 - b. Any loudspeaker or amplifier operated outdoors during residential quiet hours that is plainly audible from a distance of 50 feet or more.

"Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties. Example: If the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.
- (3) The sound of any automobile, motorcycle or other vehicle so out of repair, so loaded or operated in such manner that it creates loud noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (4) The sound of any mechanical equipment installed at a fixed location (Examples: fans, compressors, condensers, pumps, etc.), if:
 - a. When the equipment is operating, noise from the equipment is discernable at a point outside the boundaries of the site where it is installed, and noise at that point is measured at a level of 70dB(A) or higher; and
 - b. Immediately before or after operation of the equipment, noise at the same point is measured at a level of 65dB(A) or lower.

All sound level measurements shall be made as provided in this article.

- (5) The sound of a discharge into the open air of the exhaust of any internal combustion motor or engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The sound of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

- (7) Loud and excessive noise resulting from the erection (including excavation), demolition, alteration or repair of any structure during residential quiet hours, unless the noise is made in case of urgent necessity in the interest of public safety, and then only with a permit from the building official, which permit may only be renewed for a period of three days or fewer while the emergency continues.
- (8) Any excessive noise made on any street adjacent to any school, institution of learning or court while the same is in session, or adjacent to any hospital at any time, which noise unreasonably interferes with the working of any such institution, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.
- (9) Any loud and excessive noise resulting from the loading or unloading of any vehicle or container, or the opening or destruction of bales, boxes, crates or containers.
- (10) The sound of any bell, gong, whistle, siren, or other alarm or signaling device installed at a fixed location which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof. Exceptions: This does not apply to:
 - a. An emergency alarm operated by the fire department or other governmental agency; or
 - b. An alarm system permitted and operated in compliance with applicable regulations, including automatic shutoff rules; see, e.g. chapter 26.
- (11) Shouts or cries of peddlers or vendors which disturbs the quiet and peace of the neighborhood.
- (12) The sound of any drum, loudspeaker or other instrument or device used to attract attention to any performance, show or sale of merchandise.
- (13) The sound made by loudspeakers or amplifiers on trucks or other vehicles.
- (14) The sound made by leafblowers, lawnmowers and other lawn maintenance equipment, if:
 - a. The equipment is powered by internal combustion; and
 - b. The equipment is operated within 200 feet of an occupied residential building during residential quiet hours.

(Code 2003, § 15.032)

Sec. 54-41. - Affirmative defenses.

- (a) *Request to cease* . It shall be an affirmative defense in any prosecution under this article that a request to cease causing the noise in question was given neither to the person charged nor to any officer, agent, employee or representative of the person charged. All peace officers and other city enforcement personnel are hereby authorized to request that persons cease causing noises that are apparently in violation of this article. Nothing herein limits the right of others to make such requests.
- (b) *Urgent public projects* . It shall be an affirmative defense, in any prosecution under this article, that the offending noise was:
 - (1) Necessary for a public project for which the public works director has certified, in writing, that expedited completion is urgently needed and in the public interest; and
 - (2) Made after 7:00 a.m. and before 9:00 p.m.
- (c) *Measured noise levels* . It shall be an affirmative defense, in any prosecution under this article, that a measured noise level was actually produced by some person or thing other than that alleged to have caused the noise.
- (d) *Registered outdoor events* . It shall be an affirmative defense, in any prosecution under this article, that the offending noise resulted from an outdoor concert or similar event that:

- (1) Was registered at least 48 hours in advance with the chief of police;
 - (2) Did not last more than four hours, of which no more than two hours were during residential quiet hours; and
 - (3) Was otherwise conducted to avoid disturbance of persons within nearby dwellings.
- (e) *Speech or expression* . The affirmative defenses for speech or expression enumerated in V.T.C.A., Penal Code § 42.04 (prior order to move, disperse or remedy) shall also be available in any prosecutions for violations of this article.

(Code 2003, § 15.033)

Sec. 54-42. - Injunction as additional remedy.

As an additional remedy, the noise made by any activity, device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of residents in the area, shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 2003, § 15.034)

Sec. 54-43. - Sound level measurements.

Sound level measurements under this article shall be made in accordance with the following criteria:

- (1) Measurements must be made with a type 1 or type 2 calibrated sound level meter using the A-weighting scale and the slow meter response as specified by the American National Standards Institute (ANSI S1.4-1984/85A).
- (2) Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated a "dB(A)."
- (3) Meters shall be maintained in calibration and good working order.
- (4) Calibrations shall be employed which meet ANSI S1.40-1984 prior to and immediately after every sampling of sound.
- (5) Measurements recorded shall be taken so as to provide a proper representation of the sound being measured.
- (6) The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen for the microphone shall be used.

(Code 2003, § 15.035)

Secs. 54-44—54-74. - Reserved.

Agenda Item #7

Do I need a Permit?

The Most Common Question We Receive in Building Permits...

Spring is around the corner, which is a time when homeowners considering doing a lot of projects and start to get pricing from contractors.

The number one question we hear at the City – “Do I need a permit for..?” All too often we are asked the question after the work or construction has started, which can cause work to stop and increased permit fees.

Lastly, if you happen to have a contractor that tells you that you don’t need a permit, that it costs too much or that it will slow the project down. ASK YOURSELF, what are they trying to avoid?

- Permits ensure the completed work meets current building codes and keep in mind that unpermitted work can affect your ability to resell your home.
- Most permits are issued within the same day, but if digging/trenching outside is required, it could take up to three days.
- Typically a one day turnaround for inspections.

Below is a list of the most common permits for homes in West U. If you do not see your item listed below, please email inspections@westutx.gov or call us at (713) 662-5839.

YES you need a permit for this type of work:

FENCE New or when replacing more than 10 linear feet of an existing fence, changing the height or location.	PLUMBING Except replacement of existing fixtures only at the same location.	WATER HEATER Any type New or Replacement.	COUNTERTOPS Only if size is changed
ELECTRICAL New or relocating existing	DECKS & PATIOS Wood Pavers	SOLAR PANELS New or replacement	ROOF New or when replacing

Zoning and Planning Commission Seeks Your Input On Exterior Lighting

The City of West University Place Code of Ordinances has provisions that regulate outdoor lighting in the front yard and side street yard areas. These regulations encourage the use of full cut-off fixtures and shields to help cut down on glare and light trespass to adjoining residences. The Zoning and Planning Commission (ZPC) is considering amending the ordinance to include provisions that would regulate lighting in the rear/backyard areas as well.

The ZPC is asking for your input. Are outdoor lights from neighboring yards an intrusion on your property? Do you believe this is a widespread problem throughout the City? Should the City enforce regulations where a non-conformity cannot be seen from the street? While most outdoor lighting issues can be resolved between neighbors (i.e. turning off lights after a certain time, or placing outdoor lights on timers and automatic cut-off switches), the ZPC wants to determine occurrences that may require intervention by the City. Please let us know your thoughts by emailing dscarcella@westutx.gov or calling (713) 662-5893. All comments and suggestions will be forwarded to the ZPC for further discussion and consideration at a future meeting.

Agenda Item #8



Zoning & Planning Commission

Municipal Building 3800 University Blvd

Meeting Minutes

October 11, 2018

MEMBERS PRESENT: John Cutrer, Mac Jensen, Michael McEnany, Pete Johnston, Mimi Tsai and Brian Brantley

MEMBERS ABSENT: Richard Wilson

STAFF PRESENT: Alan Petrov, City Attorney, Debbie Scarcella, City Planner and Josie M. Hayes, Public Works Administrative Coordinator

GUEST: Mallory Agerton

1. **Notices, Rules, Etc.** Mimi Tsai; Presiding Officer, called the meeting to order at 6:19 pm, and asked commission members and staff to introduce themselves. Mimi Tsai asked staff to confirm that appropriate notices were given. Josie Hayes stated notices were posted per state and local laws.
2. **Public Hearing regarding an application for replat of a property located at 2715 Bissonnet.** The property owner stated they are planning to demolish the existing 22,000 plus square foot, two-story retail/business buildings and construct a new single story, 19,000 square foot, retail/office center. Once completed, the site will contain a sidewalk, access and egress from Bissonet St. only and trees and shrubbery screening the parking area. Debbie Scarcella stated the property was initially developed in the 1950's or 1960's and was never platted. City of West University Place ordinances require a platted property in order to construct a new building. Mac Jensen made a motion to close the evidentiary portion of the hearing and incorporate all testimony into the record. Seconded by John Cutrer. **AYES:** John Cutrer, Mac Jensen, Michael McEnany, Pete Johnston, Mimi Tsai and Brian Brantley. **NOES:** None. **Motion Carried.** After discussion and deliberation, Pete Johnston made a motion to approve the preliminary and final plat. Seconded by Brian Brantley. **AYES:** John Cutrer, Mac Jensen, Michael McEnany, Pete Johnston, Mimi Tsai and Brian Brantley. **NOES:** None. **Motion carried.**
3. **Outdoor Lighting.** There was general discussion regarding the proposed amendment. Mimi Tsai gave a presentation on the differences in incandescent, fluorescent and LED lighting as they relate to energy efficiency and costs. She also spoke about low output and decorative lighting outdoors. After deliberation, ZPC was not sure that this was an issue enough to tackle. They asked staff to try to do an information campaign emphasizing the





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neighborly way to light your yard and see if there is any feedback regarding the need for lighting regulation changes and if the issue is a widespread one.

4. **Minutes.** The commission reviewed the minutes of the meeting held on September 13, 2018. Michael McEnany made a motion to approve the meeting minutes as amended. Second by Brian Brantley. **AYES:** John Cutrer, Mac Jensen, Michael McEnany, Pete Johnson, Mimi Tsai and Brian Brantley. **NOES:** None. **Motion carried.**

[Adjournment]

Brian Brantley made a motion to adjourn. Second by John Cutrer. **Motion carried.** Meeting adjourned at 8:08 p.m.

PASSED THIS _____ DAY OF _____, 2018.

Presiding Officer

ATTEST: _____
Mrs. Josie M. Hayes, Public Works Administrative Coordinator

